Testimony of

The Honorable Hilliard Hampton, Mayor, City of Inkster Before the

MI House Intergovernmental and Regional Affairs Committee

June 2, 2009 / Noon / 327 House Office Building / Lansing, MI 48933

Chairwoman Marie Donigan and distinguished members of the House Intergovernmental and Regional Affairs Committee ... Good afternoon, and thank you for this opportunity to address you on the importance of House Bill 4801.

I know time is of the essence, but I would be remiss if I did not first thank Representative Bob Constan – whose district includes the great City of Inkster – for sponsoring this important legislation. Your efforts are appreciated and duly noted.

Specifically, House Bill 4801 seeks to permit local units of government to inspect manufactured housing rentals within their jurisdiction for safety. So rooted in common sense is this measure that it's hard to fathom why it's not already state law. Indeed, tenants of rented mobile homes deserve the same protection under law as tenants of conventional dwellings.

You will hear later from the Michigan Municipal League, but suffice it to say all locals – not just the City of Inkster – are supportive of House Bill 4801, which also will help eradicate blight and stabilize real property values within our communities.

To be sure, some representatives of the manufactured housing industry may contend House Bill 4801 is unfair because mobile homes are built to different standards than conventional dwellings. Please see that argument for the red herring that it is.

Simply put, an exposed wire in a rented mobile home is no less a fire hazard than one in a regular apartment unit. Malfunctioning toilets and plumbing in rented mobile homes are no less sanitary than ones in duplexes. And frigid air seeping through cracked windows in the dead of Michigan winter is no less dangerous in a rented mobile home than in a rented single-family house.

For safety's sake, I, thus, respectfully ask your honorable body to pass House Bill 4801, and thank you for your consideration of my remarks.

INKSTER CITY COUNCIL RESOLUTION

SUPPORTING MUNICIPAL INSPECTION OF RENTAL UNITS IN MOBILE HOME PARKS

- WHEREAS The City of Inkster operates a residential rental property registration-and-inspection program to protect and promote the health, safety and welfare of its more than 31,000 residents, pursuant municipal Ordinance No. 8 04.
- WHEREAS Pine Grove Mobile Home Park, located at 28312 Michigan Avenue, is situated entirely within the City of Inkster, and its owners lease several manufactured homes within the community.
- WHEREAS The physical appearance of many of the units within Pine Grove Mobile Home Park is substandard and manifests a number of violations of property maintenance and construction codes, such that the City of Inkster wants to include manufactured homes in its comprehensive inspection of rental housing within the municipality.
- WHEREAS There is ambiguity over the right of municipalities to inspect manufactured homes because such structures are built to a different code than the International Property Maintenance Code, State Construction Code and State Housing Law of Michigan, which, collectively, prescribe standards for residential rental property.
- WHEREAS The Michigan Bureau of Construction Codes toured Pine Grove Mobile Home Park in January 2008 at the request of the City of Inkster and witnessed firsthand the myriad of code violations within the community.
- WHEREAS In March 2008, the Michigan Bureau of Construction Codes suggested the City of Inkster appeal to the Michigan Manufactured Housing Commission for approval of an amendment to its residential rental property ordinance that would allow inspection of leased mobile homes.
- WHEREAS In May 2008, the City of Inkster officially submitted to the Michigan Manufactured Housing Commission a proposed amendment to its residential rental property ordinance and twice appeared before the 11-member panel to testify in support of the change.
- WHEREAS The Michigan Manufactured Housing Commission comprises members who hail from the mobile home industry, and those commissioners are ardently opposed to allowing municipalities to inspect leased units.
- WHEREAS The Michigan Manufactured Housing Commission on October 15, 2008, voted to deny the City of Inkster's proposed amendment to its residential rental property ordinance.
- WHEREAS The City of Inkster still wants to include mobile homes in its inspection of residential rental property to ensure the health, safety and welfare of their inhabitants and may be able to realize its worthwhile goal of inspecting leased mobile homes by amending state statute. NOW THEREFORE BE IT
- RESOLVED That the Inkster City Council urges the Michigan Legislature to amend state law to include manufactured housing among the types of dwellings that must be registered and inspected, pursuant municipal rental property ordinances; AND BE IT FINALLY

RESOLVED

That the Inkster City Clerk be instructed to send copies of this adopted resolution to the Honorable Governor Jennifer M. Granholm, the Honorable Inkster Mayor Hilliard Hampton, the Honorable State Senator Tupac Hunter, the Honorable State Representative Bob Constan and City of Inkster Lansing Lobbyist Kenneth Cole.



JENNIFER M. GRANHOLM GOVERNOR

STATE OF MICHIGAN DEPARTMENT OF LABOR & ECONOMIC GROWTH LANSING

KEITH W. COOLEY DIRECTOR

May 23, 2008

The Honorable Hilliard L. Hampton, II, Mayor 2121 Inkster Road Inkster, MI 48141-1800

Ms. Joyce A. Parker, Manager City of Inkster 2121 Inkster Road Inkster, MI 48141-1800

Dear Mayor Hampton and Ms. Parker:

Pursuant to your request, I have caused a review of the proposed city ordinance to be conducted by this office. The analysis was conducted to determine if any of the items cited in the ordinance ran afoul of state regulations governing manufactured home communities.

Our review did not disclose any issues in conflict with the Mobile Home Commission Act or Rules.

To further assist you, I have attached a copy of the Bureau of Construction Codes Technical Bulletin No 51, which outlines specific information concerning the applicability of rental housing ordinances in manufactured home communities. You will note the Bulletin provides that:

"A locality may not enforce standards requiring rental inspections and registration of manufactured homes within land-lease manufactured housing communities without prior Manufactured Housing Commission approval of those standards under Sections 7(1) and 17(2) of the Mobile Home Commission Act. This prohibition applies to manufactured homes which are both owned and leased by the manufactured housing community, as well as those which are occupant-owned and sited on lots leased by the community. This requirement is to assure that the ordinance is consistent with construction and licensing provisions established by the Mobile Home Commission Act, Construction Code Act, and the federal Manufactured Home Construction and Safety Standards and Manufactured Home Procedural and Enforcement Regulations (24 CFR Parts 3280 and 3282, respectively)."

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Michigan Department of Labor & Economic Growth Bureau of Construction Codes P.O. Box 30254 Lansing, Michigan 48909 (517) 241-9302

Bureau of Construction Codes Technical Bulletin

Publication Number 51



"Providing for Michigan's Safety in the Built Environment"

Issued: March 28, 2008

Technical bulletins are issued to provide clarification on issues which arise regarding code administration and enforcement. The information provided in the bulletin is developed to promote uniform interpretation and enforcement of the state codes by the Bureau of Construction Codes.

MANUFACTURED HOUSING COMMUNITY ORDINANCES FOR THE INSPECTION AND REGISTRATION OF RENTAL HOUSING

Issue

May a locality enforce standards requiring rental inspections and registration of manufactured homes within land-lease manufactured housing communities without prior Manufactured Housing Commission (Commission) approval of those standards under Sections 7(1) and 17(2) of the Mobile Home Commission Act (1987 PA 96, as amended)?

Discussion

Local enforcing agencies administer and enforce the state building, electrical, mechanical and plumbing codes for the buildings and structures in manufactured housing communities, under the authority of the Stille-DeRossett-Hale Single State Construction Code Act. These codes reference the 2003 International Property Maintenance Code for the maintenance of buildings and structures for the general safety and welfare of the public and the occupants. Localities may enforce the Property Maintenance Code to maintain community buildings and other site-built structures to construction code standards.

A municipality may also seek approval of a housing code, which contains provisions establishing minimum health and living standards for rented manufactured homes, regardless of vintage.

A municipality adopting and applying a Property Maintenance Code for issues other than occupancy related issues, such as tall grass, junk cars, or rental inspections in a manufactured home community, shall submit its ordinance to the Commission for approval, under Section 7(1) of the Mobile Home Commission Act. Section 7(1) provides that:

"A local government which proposes a standard related to mobile home parks or seasonal mobile home parks, or related to mobile homes located within a mobile home park or a seasonal mobile home park that is higher than the standard provided in this act or the code; or a standard related to the business, sales, and service practices of mobile home dealers, or the business of mobile home installers and repairers, that is higher than the standard provided in this act or the code shall file the proposed standard with the commission. The commission may promulgate rules to establish the criteria and procedure for implementation of higher standards by a local government. The commission shall review and approve the proposed standard unless the standard is unreasonable, arbitrary, or not in the public interest. If the commission does not approve or disapprove the proposed standard within 60 days after it is filed with the commission, the standard shall be considered approved unless the local

government grants the commission additional time to consider the standard. After the proposed standard is approved, the local government may adopt the standard by ordinance. The ordinance shall relate to a specific section of the code." [emphasis mine]

Annual inspections of manufactured housing communities are conducted by the Bureau of Construction Codes to ensure the community is properly maintained under Section 17 of the Mobile Home Commission Act and Executive Order 2006-16. While these inspections focus on manufactured home site conditions, two rules established under this Act's authority apply to community-owned buildings:

Rule R125.1708 (1): "The community shall keep every building or structure or part thereof and any part of the community-owned electrical system in good repair."

Michigan Department of Environmental Quality (MDEQ) Rule R325.3371: "The operator of a mobile home park or seasonal mobile home park shall maintain the mobile home park or seasonal mobile home park, its facilities, and equipment in a sanitary and safe condition in conformance with the provisions of the act and these rules."

Local code authorities responsible for administering and enforcing the Stille-DeRossett-Hale Single State Construction Code Act within their jurisdictions, who become aware of an unsafe structure, shall inspect and cause the issuance of a violation notice calling for the necessary corrections to return the property to a safe and sanitary condition. The Michigan Code provides that all structures must be maintained in a safe and sanitary manner. Section R102.7 of the code references the 2003 International Property Maintenance Code.

Section 101.2 of the Property Maintenance Code provides:

"The provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties."

Manufactured housing community rental inspections are not authorized by either the Construction Code or Mobile Home Commission Acts, but may be conducted under an adopted manufactured housing community ordinance that is submitted to and approved by the Commission, as provided in Section 7(1) of the Act. Municipalities may submit their ordinances to the Bureau for formal staff review and submission to the Commission for consideration.

Conclusion

A locality may not enforce standards requiring rental inspections and registration of manufactured homes within land-lease manufactured housing communities without prior Manufactured Housing Commission approval of those standards under Sections 7(1) and 17(2) of the Mobile Home Commission Act. This prohibition applies to manufactured homes which are both owned and leased by the manufactured housing community, as well as those which are occupant-owned and sited on lots leased by the community. This requirement is to assure that the ordinance is consistent with construction and licensing provisions established by the Mobile Home Commission Act, Construction Code Act, and the federal Manufactured Home Construction and Safety Standards and Manufactured Home Procedural and Enforcement Regulations (24 CFR Parts 3280 and 3282, respectively).

Questions about this technical bulletin may be directed to the Michigan Department of Labor & Economic Growth, Bureau of Construction Codes, Building Division, P.O. Box 30254, Lansing, Michigan 48909, (517) 241-9317.

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Request for rental inspection legislation concerning manufactured home parks

Mr. Constan:

A principal result of the current economic downturn being experienced throughout the nation, but particularly in Michigan, is loss of the family home. Jobs gone, life savings gone, mortgages foreclosed upon. As the situation worsens, we in municipal government see an ever-increasing number of single-family homesteads, as well as rental properties, being lost to banks and mortgage companies – often experiencing demolition by neglect.

A phenomenon arising from this dynamic is the leasing of manufactured homes to the most vulnerable in our society – young, single parents, poor elderly, disabled. There are two such communities in my jurisdiction. Neither community has a home newer than twenty years old, and many of the rentals date into the 1960's.

There was a time when single-family rental homes and even apartments in Inkster exhibited neglect similar to that of these manufactured homes communities. That was before the reformation of the Inkster Rental Program and the creation of the Administrative Hearings Bureau – both in 2007.

The Inkster Rental Ordinance enforces the International Property Maintenance Code, which is adopted by reference in all Michigan municipal building departments. The expressed intent of the IPMC is to provide for the safety of occupants by assuring that heating, electrical, and plumbing systems comply with the codes under which they were installed or, if not, are updated to current codes. It requires that heat systems can maintain a specific inside temperature premised on specific outdoor temperatures. It requires specific water pressures, hot water temperatures, and structure envelope integrity. It requires an electrical service able to meet the basic amperage requirements of modern households.

Because of resistance on the part of a minority of the Manufactured Housing Commission, this local ordinance that has proved so critical in protecting tenants, landlords, and the municipality at large, is unenforceable within the confines of these manufactured home communities. Meanwhile, resident complaints of nonfunctioning furnaces, odors of burning plastic, holes in the floor, and inoperable windows continue to increase — as do fire department runs. The occupants of these manufactured homes communities are no less a resident of Inkster than those living in the surrounding communities. They deserve to be no less safe, no less considered, and no less protected under the laws enacted by the City of Inkster.

Detroit Free Press

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CANTON: NEIGHBORHOOD IMPROVEMENT: MOBILE HOME PARK BLIGHT ADDRESSED

TOWNSHIP HAS PERMISSION TO DO INSPECTIONS
CECIL ANGEL
FREE PRESS STAFF WRITER

Cyndie Drago was irked as she looked out her window at the tall grass around the vacant home next door in the Holiday Estates manufactured home park in Canton.

"They're not living there, and they're not maintaining it," she said.

But she has hope that the tall grass, abandoned homes and other blight that plague Holiday Estates will be a thing of the past. The township recently got permission from the state's Mobile Home Commission to enforce the township's blight ordinance at Holiday Estates. There are already signs of improvement.

Under Michigan law, manufactured home parks are under the jurisdiction of the state's Mobile Home Commission. Local governments are not allowed to enforce blight ordinances inside the parks. Even as many communities across the state have enacted tough measures to crack down on blighted properties originating from a flood of foreclosures, manufactured home parks are off-limits.

"People in the parks were frustrated because they didn't want to live in those conditions," Canton Supervisor Thomas Yack said. "I always felt sorry for the people who were in the park because they were trapped."

High vacancy rates

On a tour of Holiday Estates, at 46000 Geddes Road, Drago pointed out abandoned mobile homes with broken windows and moldy, junk-filled interiors. She cited overgrown lots, piles of garbage and decaying roofs.

In traditional neighborhoods in the township, residents need only to call an ordinance officer if there is an unsightly property. However, for Holiday Estates residents, it wasn't until August that township officials could help in matters other than those involving public health or safety.

As a result of blight and other problems, some of the township's eight parks, with a total of about 2,100 units, have vacancy rates of 30% to 40%, Yack said.

In an effort to clean up the parks, township officials asked the state's Mobile Home Commission for permission to enforce the township's property standards ordinance. Now, they can enter the manufactured home parks and do their own regular inspections.

"I think that's good news for every community," Yack said.

Drago, president of the Holiday Estates Homeowners Association, said, "If the township had not been involved we'd still be looking at the same nasty homes. We're very excited that the township is on board in helping to clean things up."

Canton stands alone

Larry Lehman, chief of the Buildings Division of the Bureau of Construction Codes in the state Department of Labor and Economic Growth, which is responsible for conducting annual inspections of the state's 1,156 manufactured home parks, said Canton is the only community he knows of that has asked the commission for the special permission.

Journal of French Propagation Proping

Last year, inspections revealed that up to 50% of the state's manufactured home parks had violations of some kind, Lehman said.

He added that could have been in part because inspections were skipped one year and that last year new inspectors were more thorough.

"I believe it's a good thing," Lehman said of Canton doing inspections. "I believe it helps everybody out. You just hope there's not communities that abuse it down the road."

His department has only 10 building inspectors, who are responsible not only for mobile home parks but also for schools and inspections in some municipalities.

Canton Police Sgt. Rick Pomorski, who oversees the township's ordinance officers, said the township cited more than 20 violations when officials inspected Holiday Estates in September. He said they found unsecure electrical pedestals, deteriorated structures and other problems.

The park management was given a month from notification of the violations to correct the problems. Pomorski said Wednesday that the township reinspected the park last week.

"They've done a very nice job in correcting the violations," Pomorski said.

However, not all the violations have been corrected because some were expected to take longer, such as removing abandoned mobile homes. State law requires park owners to secure the title for the homes before they can remove them.

Pomorski said the owners of mobile homes are responsible for their dwellings but park owners are responsible for abandoned homes. If a violation is not corrected, it is a misdemeanor and the owner could face up to a \$500 fine and up to 90 days in jail.

"We just want the people to fix the problem," Pomorski said.

Other cities have issues

Canton in no way has a lock on the problem of run-down mobile homes.

Charles Boulard, Novi's building official, said that in the short time he's been on the job in Novi, there have been two instances where the condition of property in a manufactured home park has been discussed.

"It appeared they were in the process of abandoning it," he said of a unit that was spotted from 12 Mile Road.

City officials spoke to the park managers and they agreed to take action. But Boulard said being able to enforce the city's blight ordinance would come in handy.

In Ypsilanti Township, rundown properties in manufactured home parks are a problem, particularly in the older parks, said Supervisor Ruth Ann Jamnick. She said the township currently is suing the owner of one mobile home park after failing to get improvements made.

"It's in disrepair," she said.

Jamnick said that although she believes Canton officials have chosen a good option to deal with rundown parks, Ypsilanti Township has chosen to address the problem through the courts.

"I'm pleased we're going forward with the lawsuit," she said.

In Warren, at the Shadylane Mobile Home Estates on Capitol Avenue, Cindy Faw, 46, praised Canton's ability to use its blight ordinance, saying that she moved from a park in Madison Heights in part because the management didn't respond to her complaints.

She said city officials directed her back to park management when she complained.

"You get some of the older homes, they really need to be inspected to make sure they're not fire hazards," Faw said.

Detroit Free Press: Document Display

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Meanwhile, at Holiday Estates in Canton, Scott W. Peterson, the manager, and assistant manager Kelly Watts have been tackling a to-do list that will bring the park into compliance with the township's blight ordinance.

"I just know we had a mess to clean up," said Peterson.

He said since February, when he became manager, they have removed five abandoned homes and have eight more scheduled. He and Watts said it was a combination of poor management and non-residents stealing and causing problems that contributed to the park's decline.

"It's 1,000% better than when I got here," Peterson said.

Contact CECIL ANGEL at 313-223-4531 or cangel@freepress.com.

(SIDEBAR)

Mobile Home Commission

*Members: 11, appointed by the governor. Consists of mobile home park residents, operators, dealers and manufacturers, a banker, an elected official and a union leader.

*Term: 3 years

*Pay: Mileage only

*Employees: No paid employees

ILLUSTRATION: Photo

CAPTION:

Photos by MANDI WRIGHT / Detroit Free Press

Cyndie Drago takes a look at an abandoned Holiday Estates mobile home. She says she is pleased Canton can enforce its blight ordinance in the mobile home park. Under state law, parks are under the jurisdiction of the state's Mobile Home Commission.

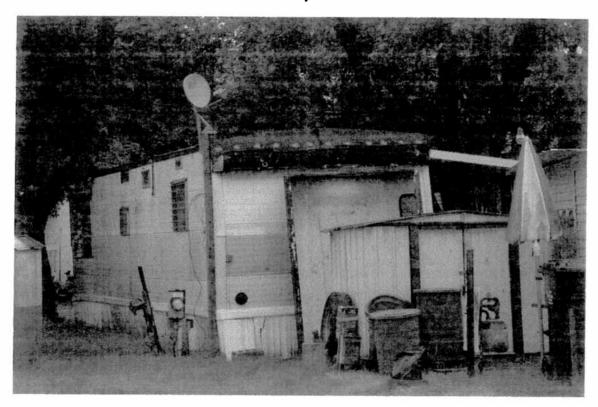
CAPTIONWRITER: Some abandoned mobile homes have broken windows and moldy, junk-filled interiors.

MEMO: SIDEBAR ATTACHED

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Local Rental Ordinances In Manufactured Homes Communities

Ralph Welton, Chief Development Official

City of Inkster, MI

The Michigan Manufactured Home Commission Act does not allow for local jurisdiction inspections of rental units within these communities. We're told by the owners of the two communities in our city that all homes sold or rented are inspected and refurbished. The truth in these two "communities", as well as several in surrounding municipalities, is that the term "manufactured home" is generous to the point of dishonesty. The sign at the entrance to one of our communities is even embellishing the accommodations with the term "mobile homes". One honest owner admitted that for the past two years, the number of rentals in his community has climbed to nearly 70%.

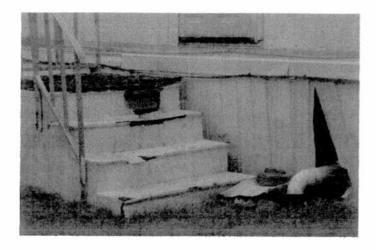


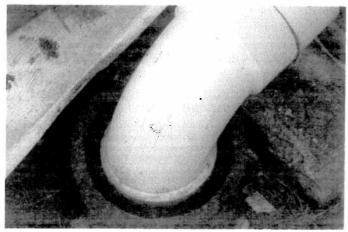
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Using Local Rental Ordinances In Manufactured Home Communities

So What's Wrong With The Current Inspection System?

By law, all of the mobile homes depicted here would have been inspected by the owners prior to all re-occupations. Many of these trailers have changed occupants 5-6 times in the

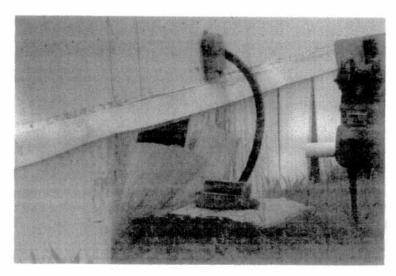




past year. Also, each community is inspected by the State of Michigan every four years. Ours were inspected last August. I guess they missed the toilet drain emptying into what used to be a clean-out pipe. Look how nicely a three inch toilet drain slips into a five inch clean-out. The pipe, of course, is a trip hazard provided you don't fall through the steps first — or contract e-coli.

Excuses For Not Allowing Local Jurisdiction Inspections

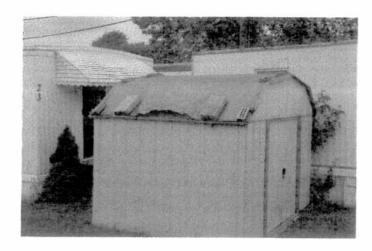
The primary fear of the Manufactured Housing Commission is that local jurisdictions will use the International Property Maintenance Code to usurp whatever code the mobile home was assembled under — usually HUD or BOCA. I don't think the original codes ever permitted these mismatched drain pipes...or hoses draining gray water under the trailer. I also don't think they required insulation to "breathe".

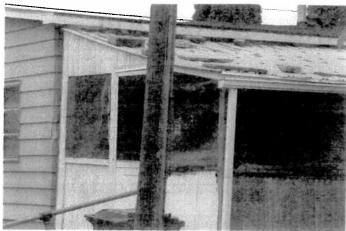




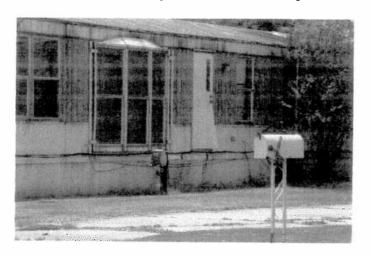
It should be remembered that many of the stick-built rental houses currently being inspected were built under BOCA or the HUD-like CABO residential codes. Or, sometimes, no codes at all. Except for safety items such as smoke detectors and electrical panel updates, no homes built under BOCA or CABO are forced to modernize provided they have not been altered from the original installation.

Rocks and bricks, however, were never prescribed fasteners under BOCA or HUD.



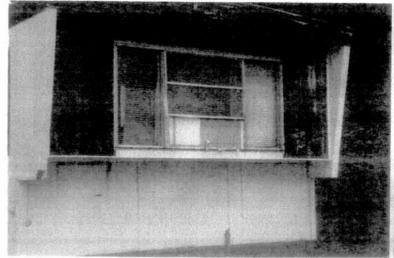


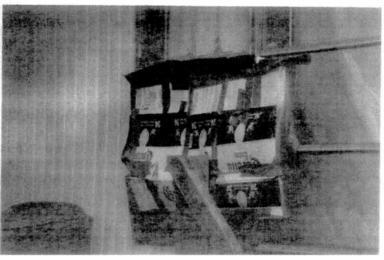
Neither were egress doors without porches.





No matter what code a structure is built under, windows are a must...even in a hacienda.

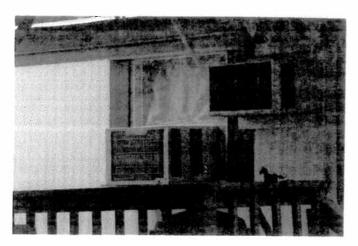




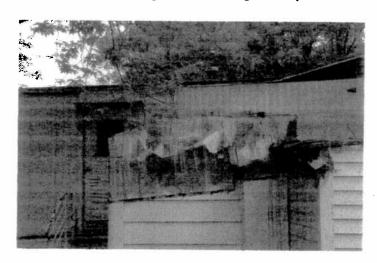
All codes, including International Fire Codes, recognize the dangers of electrical panel overload. Mobile homes built in the 1960's and `70's don't have the electrical capacity for modern technology. Or, not so modern technology — such as obsolete air conditioning units.

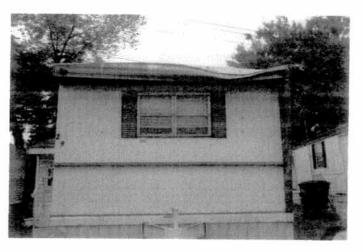
Or several obsolete air conditioners.





Good, strong roofs are required by all codes and are essential to a safe home as well.





This would all be pretty funny if it weren't true. But for thousands of people across Michigan, those hardest hit by financial disaster and most vulnerable — children, elderly, handicapped — this third world existence is inescapable. Often unable to protect themselves, they look to their municipal authorities for help and security. They are citizens of our communities, no less important than the families living in the apartments down the road, or the new subdivision on the other side of town. It's our job as elected and appointed government officials to provide them the same safety and security afforded to ourselves and our neighbors. It's also our moral obligation.